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EXAMINER

DAS, CHAMELI

| ART UNIT | PAPER NUMBER |
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2192

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,781

Applicant(s)

ARTZI ET AL.

Examiner

CHAMELI C. DAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 19-37 and 40-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13, 19-37 and 40-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/16/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is in response to the amendment and Terminal Disclaimer filed on 5/16/05.
2. The Terminal Disclaimer has been approved.
3. In view of the Terminal Disclaimer the obviousness-type double patenting rejection of claims 1-48 made in the previous office action is hereby withdrawn.
4. Claims 14-18, 38 and 39 have been canceled.
5. Claims 1, 13, 19 and 25 have been amended.
6. Claims 1-13, 19-37, 40-48 have been rejected.

Oath/Declaration

7. It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Specification

8. The disclosure is objected to because of the following informalities:

In the present drawing, there are seven figures, FIG 1- FIG 7, but Fig 7 is not in the "Description of the Drawing" section of the present specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 23-37, and 40-48 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed to an abstract idea that is not tied to a technological environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101. The claims require the addition of tangible hardware element to provide tangible results.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the plurality of collections of executable block" in line 9. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "plurality of collections of executable block".

Claim 2 recites the limitation "the client terminal" in line 7. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "the client computer".

Claim 4 recites the limitation "the client terminal" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "the client computer".

Claim 22 recites the limitation "the unsubscribed" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "an unsubscribed".

Claim 23 recites the limitation "the client" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "the client terminal".

Claim 31 recites the limitation "the source application" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "a source application".

Claim 42 recites the limitation "the source application" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is interpreted as "a source application".

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 19-25, 30-37, and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seguchi, US 6,633,989, background section or Seguchi and further in view of Sato, US 6,839,765.

As per claim 1, Seguchi discloses:

- forming an Initblock bundle comprising blocks executable during initialization of the plurality of applications, at least one block from each application being included in the Initblock bundle (col 9, lines 2-20, FIG 17. and col 22, lines 63-67), where, "initial setting module" is the Initblock bundle
- sending the Initblock Bundle to a client computer (col 13, lines 45-55)

- sending other blocks from the plurality of collections of executable blocks to the client computer (col 14, lines 20-30) subsequent to a start of execution of the InitBlock Bundle (col 13, lines 63-65 and col 14, lines 1-11)
- at least one block from each of the plurality of applications being included in the InitBlock bundle (col 4 lines 43-50), where each initial setting module (InitBlock) is different for each client and the initial setting module (initblock) is prepared based on the type of the client (abstract) it clearly indicates that at least one block form each of the application is included in the initial setting module
- enable the client computer to execute the plurality of applications (col 5 lines 63-67 and col 6 lines 1-20)

Seguchi discloses that the service is divided into plurality of blocks (abstract, lines 1-13, col 4, lines 43-60). Seguchi's background section clearly shows that the application program is divided into plurality of executable blocks (col 3, lines 5-16). The modification would be obvious because one of the ordinary skill in the art would be motivated to transmit the blocks only which is required by the users for distributing a work load to multiple sites properly.

Seguchi does not clearly disclose the applications are in streaming mode. However, Sato discloses that multimedia information transfer system from server to a client in a streaming mode (abstract, col 2 lines 8-49). The modification would be

obvious because one of the ordinary skill in the art would be motivated to transfer application sequentially and continuously.

As per claim 19, Seguchi discloses:

- ***a database storing a plurality of executable applications segmented into a plurality of code blocks*** (col 8, lines 25-30, abstract, lines 1-13, col 4, lines 43-60)
- ***each application's plurality of code blocks comprising a set of initialization code blocks*** (col 9, lines 2-20, FIG 17. and col 22, lines 63-67)
- ***a processor operatively coupled to a network interface... processor*** (col 8 lines 25-51)
- ***form an initialization block ... applications*** (col 9, lines 2-20, FIG 17. and col 22, lines 63-67)
- ***send the initialization block... interface*** (col 13, lines 45-55, col 14, lines 20-30, col 8 lines 25-35).
- to enable the client computer to execute the plurality of applications (col 5 lines 63-67 and col 6 lines 1-20).

Seguchi does not clearly disclose the applications are in streaming mode.

However, Sato discloses that multimedia information transfer system from server to a client in a streaming mode (abstract, col 2 lines 8-49). The modification would be

obvious because one of the ordinary skill in the art would be motivated to transfer application sequentially and continuously.

As per claim 25, Seguchi discloses:

- packaging the blocks into a repository from which the blocks can be individually extracted (col 8 lines 53-67, col 1-14)
- generating an application package... to a client (col 4 lines 43-60)

Seguchi's background section specifically disclose dividing a portion of the application into blocks (col 3, lines 5-15). The modification would be obvious because one of the ordinary skill in the art would be motivated to transmit the blocks only which is required by the users for distributing a work load to multiple sites properly.

Seguchi discloses the module (block) sending from server to client. Seguchi does not specifically disclose the block is streamable. However, Sato discloses that the blocks are streamable (col 2 lines 8-47). The modification would be obvious because one of the ordinary skill in the art would be motivated to transfer the data sequentially and continuously via network.

Seguchi does not specifically disclose generating a predictive model and providing the predictive model for distribution as claimed. However, Sato discloses generating a predictive model and providing the predictive model for distribution as claimed (col 5, lines 43-66 and col 6 lines 1-5, col 9 lines 35-50). The modification would be obvious because one of the ordinary skill in the art

would be motivated to transfer and executes the data blocks sequentially in a multimedia system.

12. For all other claims see the rejections of the previous office action including the rejection above.

Response to the Arguments

13. Applicant's argument filed on 5/16/05 has been fully considered but they are not persuasive. In remarks, the applicant argues in substance:

(1) The cited references do not disclose the functionalities like segmenting each of a plurality of applications into a collection of executable blocks, and forming an InitBlock comprising blocks executable during initialization of the plurality of applications, at least one block from each of the plurality of applications being included in the InitBlock bundle.

Response:

(1) Seguchi and Sato disclose all the limitations above. See the rejection of claim 1 above.

(2) Neither Seguchi nor Sato disclose execute the plurality of applications in a streaming mode. Sato discloses streaming of data not applications.

Response:

(2) Seguchi discloses applications are executed in the client computer. Seguchi does not specifically disclose the applications are in streaming mode. However, Sato

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However, Sato discloses that the applications blocks are streamable (col 2 lines 8-47).

The modification would be obvious because one of the ordinary skill in the art would be motivated to transfer the data sequentially and continuously via network. Sato specifically disclose the multimedia information (applications) are data streams (abstract) all the multimedia information (applications) are divided into blocks and these blocks are sequentially transfer in a streaming mode from server to client (col 2 lines 8-49).

(3) Seguchi does not disclose InitBlock bundle.

Response:

(3) Seguchi discloses the InitBlock bundle (abstract), where the "initial setting module" is the InitBlock bundle. This "initial setting module" is prepared for each and every client based on their type, so that when this module is sent to the client the applications are executed on that particular client computer.

15. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is 571-273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
8/5/05